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ABSTRACT

This bulletin focuses on four restorative conferencing models within the juvenile justice system: victim-offender mediation; community reparative boards; family group conferencing; and circle sentencing. The bulletin first describes each of the four restorative justice models, presenting information on background, concept, procedures and goals, considerations in implementation, lessons learned from research, and sources of additional information. It then compares and contrasts the models on the following dimensions: origins and current applications; administrative and procedural aspects (eligibility, point of referral, staffing, setting, process and protocols, and management of dialog); and community involvement and other dimensions (participants, victim role, gatekeepers, relationship to the formal justice system, preparation, enforcement, monitoring, and primary outcomes sought). Next, the bulletin discusses various issues and concerns to be addressed in the development and implementation of restorative conferencing approaches. It also offers guidelines for clearly grounding interventions in restorative justice principles and includes a test for determining whether an intervention strengthens the community response to youth crime and creates new roles for citizens and community groups. (Contains 60 references.) (SM)

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John J. Wilson, Acting Administrator
February 2001
JUVENILE JUSTICE BULLETIN

ED 450 196

A Comparison of Four Restorative Conferencing Models

Gordon Bazemore and Mark Umbreit

Restorative justice is a framework for juvenile justice reform that seeks to engage victims, offenders and their families, other citizens, and community groups both as clients of juvenile justice services and as resources in an effective response to youth crime. Traditionally, when a crime is committed, juvenile justice systems have been primarily concerned with three questions: Who did it? What laws were broken? What should be done to punish or treat the offender? As noted by Howard Zehr (1990), restorative justice emphasizes three very different questions: What is the nature of the harm resulting from the crime? What needs to be done to "make it right" or repair the harm? Who is responsible for this repair? Restorative justice also suggests that the response to youth crime must strike a balance among the needs of victims, offenders, and communities and that each should be actively involved in the justice process to the greatest extent possible.

The term "restorative conferencing" is used in this Bulletin to encompass a range of strategies for bringing together victims, offenders, and community members in nonadversarial community-based processes aimed at responding to crime by holding offenders accountable and repairing the harm caused to victims and communities. Such strategies, now being implemented in North America, Australia, New Zealand, and parts of Europe, are one component of a new movement in the 1990's concerned with making criminal and juvenile justice processes less formal, bringing the processes into neighborhoods, and involving community members in planning and implementation (Barajas, 1995; Bazemore and Schiff, 1996; Griffiths and Hamilton, 1996; Travis, 1996).

This Bulletin focuses on four restorative conferencing models: victim-offender mediation, community reparative boards, family group conferencing, and circle sentencing. Although these four models by no means exhaust the possibilities for community involvement in decisions about how to respond to youth crime, the models do illustrate both the diversity and common themes apparent in what appears to be a new philosophy of citizen participation in sanctioning processes.

The Bulletin first describes each of the four restorative conferencing models,[1] presenting information on background and concept, procedures and goals, considerations in implementation, lessons learned from research, and sources of additional information. The Bulletin then compares and contrasts the models on the following dimensions: origins and

[1] Information on the four models is adapted from *Regional Symposium Training Manual*, U.S. Department of Justice, Office of Justice Programs, 1997.

From the Administrator

Reconciling the needs of victims and offenders with the needs of the community is the underlying goal of restorative justice. Unlike retributive justice, which is primarily concerned with punishing crime, restorative justice focuses on repairing the injury that crime inflicts.

As a means to that end, restorative conferencing brings together victims, offenders, and other members of the community to hold offenders accountable not only for their crimes but for the harm they cause to victims.

This Bulletin features four models of restorative conferencing:

- Victim-offender mediation.
- Community reparative boards.
- Family group conferencing.
- Circle sentencing.

These models are compared and contrasted in administration, process, community involvement, and other dimensions, and several related issues and concerns are addressed.

If restorative justice is to succeed in contributing to the systematic reform of our juvenile justice system, it must embody new values that reflect the needs of victims, offenders, and communities. The models described in this Bulletin embody these values and provide tools for communities engaged in implementing restorative justice.

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Acting Administrator

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current applications; administrative and procedural aspects (eligibility, point of referral, staffing, setting, process and protocols, and management of dialog); and community involvement and other dimensions (participants, victim role, gatekeepers, relationship to the formal justice system, preparation, enforcement, monitoring, and primary outcomes sought). Next the Bulletin discusses a number of issues and concerns to be addressed in the development and implementation of restorative conferencing approaches. The Bulletin also offers guidelines for clearly grounding interventions in restorative justice principles and includes a test for determining whether an intervention strengthens the community response to youth crime and creates new roles for citizens and community groups.

In an evolving movement in which innovations are emerging rapidly, it is important to identify common principles that can be replicated by local juvenile courts and communities and that can serve to guide decisionmakers in choosing models best suited to local community needs. Toward this end, this Bulletin provides a general framework within which the myriad alternative interventions currently being characterized as restorative justice can be categorized and objectively analyzed and evaluated. Comparative discussions of new approaches at this relatively early stage of development are important because they serve to highlight similarities and differences across emerging models. In considering the four models discussed in the Bulletin, however, it is important to avoid confusing the vision of prototypes with the realities of implementation and also to remember that the philosophy and practices of any given restorative conferencing program may deviate substantially from the prototypes presented here.

An Example of a Victim-Offender Mediation Session

The victim was a middle-aged woman. The offender, a 14-year-old neighbor of the victim, had broken into the victim's home and stolen a VCR. The mediation session took place in the basement of the victim's church.

In the presence of a mediator, the victim and offender talked for 2 hours. At times, their conversation was heated and emotional. When they finished, the mediator felt that they had heard each other's stories and learned something important about the impact of the crime and about each other.

The participants agreed that the offender would pay $200 in restitution to cover the cost of damages to the victim's home resulting from the break-in and would also reimburse the victim for the cost of the stolen VCR (estimated at $150). They also worked out a payment schedule.

During the session, the offender made several apologies to the victim and agreed to complete community service hours working in a food bank sponsored by the victim's church. The victim said that she felt less angry and fearful after learning more about the offender and the details of the crime. She also thanked the mediator for allowing the session to be held at her church.

Victim-Offender Mediation

Background and Concept

Although still unfamiliar to many mainstream juvenile and criminal justice audiences and marginal to the court process in some jurisdictions where they do operate, victim-offender mediation programs—referred to in some communities as "victim-offender reconciliation programs" and, increasingly, as "victim-offender dialog programs"—have a respectable 20-year track record in the United States, Canada, and Europe. Currently, there are approximately 320 victim-offender mediation programs in the United States and Canada and more than 700 in Europe. Several programs in North America currently receive nearly 1,000 case referrals annually from local courts. Although the greatest proportion of cases involve less serious property crimes committed by young people, the process is used increasingly in response to serious and violent crimes committed by both juveniles and adults (Umbreit, 1997).

The victim-offender mediation process offers victims an opportunity to meet offenders in a safe, structured setting and engage in a mediated discussion of the crime.[2] With the assistance of a trained mediator, the victim is able to tell the offender about the crime's physical, emotional, and financial impact; receive answers to lingering questions about the crime and the offender; and be directly involved in developing a restitution plan for the offender to pay back any financial debt to the victim. The process is different from mediation as practiced in civil or commercial disputes, because the involved parties are in agreement about their respective roles in the crime. Also, the process should not be primarily focused on reaching a settlement, although most sessions do, in fact, result in a signed restitution agreement.[3] Because of these fundamental differences, the terms "victim-offender meeting," "conferencing," and "dialog" are becoming increasingly popular to describe variations from standard mediation practices (Umbreit, 1997).

Procedures and Goals

Cases may be referred to victim-offender mediation programs by judges, probation officers, victim advocates, prosecutors, defense attorneys, and law enforcement. In some programs, cases are primarily referred as a diversion from prosecution (assuming that any agreement reached during the mediation session is successfully completed). In other programs, cases are usually referred after a formal admission of guilt has been accepted by the court, with mediation being a condition of probation or other disposition (if the victim has volunteered to participate). Some programs receive case referrals at both stages.

During mediation sessions, victims explain how the crime affected them and are given the opportunity to ask questions about the incident and help develop a plan for restoring losses. Offenders are given the opportunity to tell their stories and take direct responsibility through making amends in some form (Umbreit, 1994).

The goals of victim-offender mediation include the following:

- Supporting the healing process of victims by providing a safe, controlled setting for them to meet and speak with offenders on a strictly voluntary basis.

[2] In some programs, parents of the offender are also often part of the mediation session.

[3] Not all mediation sessions lead to financial restitution.

- Allowing offenders to learn about the impact of their crimes on the victims and take direct responsibility for their behavior.
- Providing an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the crime.

Considerations in Implementation

In implementing any victim-offender mediation program, it is critically important to maintain sensitivity to the needs of the victim. First and foremost, the mediator must do everything possible to ensure that the victim will not be harmed in any way. Additionally, the victim's participation must be completely voluntary. The offender's participation should also be voluntary. Offenders are typically given the option of participating in mediation or dialog as one of several dispositional choices. Although offenders almost never have absolute choice (e.g., the option of no juvenile justice intervention), they should never be coerced into meetings with victims. The victim should also be given choices, whenever possible, about procedures, such as when and where the mediation session will take place, who will be present, and who will speak first. Cases should be carefully screened regarding the readiness of both victim and offender to participate. The mediator should conduct in-person premediation sessions with both parties to clarify the issues to be resolved. The mediator should also make followup contacts and monitor any agreement reached.

Lessons Learned

A large multisite study of victim-offender mediation programs with juvenile offenders (Umbreit, 1994) found the following:

- In cases referred to the four study-site programs during a 2-year period, 95 percent of mediation sessions resulted in a successfully negotiated restitution agreement to restore the victim's financial losses.
- Victims who met with offenders in the presence of a trained mediator were more likely to be satisfied with the justice system than were similar victims who went through the standard court process (79 percent versus 57 percent).
- After meeting offenders, victims were significantly less fearful of being revictimized.
- Offenders who met with victims were far more likely to successfully complete their restitution obligation than were similar offenders who did not participate in mediation (81 percent versus 58 percent).
- Recidivism rates were lower among offenders who participated in mediation than among offenders who did not participate (18 percent versus 27 percent); furthermore, participating offenders' subsequent crimes tended to be less serious.[4]

Multisite studies (Coates and Gehm, 1989; Umbreit, 1994) also found that although restitution was an important motivator for victim participation in mediation sessions, victims consistently viewed actual receipt of restitution as secondary to the opportunity to talk about the impact of the crime, meet the offender, and learn the offender's circumstances. The studies also found that offenders appreciated the opportunity to talk to the victim and felt better after doing so.

A recent statewide survey of victim service providers in Minnesota found that 91 percent believed that victim-offender mediation should be available in every judicial district because it represents an important victim service. The American Bar Association recently endorsed victim-offender mediation and recommends its use throughout the United States. As of 1997, victim-offender mediation programs have been identified in nearly every State (Umbreit and Schug, 1997).

For More Information

For more information on victim-offender mediation, contact:

- Dr. Mark Umbreit, Director, Center for Restorative Justice and Peacemaking, University of Minnesota, School of Social Work, 105 Peters Hall, 1404 Gortner Avenue, St. Paul, MN 55108–6160, 612–624–4923 (phone), 612–625–3744 (fax), rjp@tlcmail.che.umn.edu (e-mail), ssw.che.umn.edu/rjp (Internet).
- Victim Offender Mediation Association (VOMA), c/o William T. Preston, Administrator, 143 Canal Street, New Smyrna Beach, FL 32168, 904–424–1591 (phone), 904–423–8099 (fax), voma@voma.org (e-mail), www.voma.org (Internet).

Community Reparative Boards

Background and Concept

The community reparative board is a recent version of a much older and more widespread community sanctioning response to youth crime, generally known by such terms as youth panels, neighborhood boards, or community diversion boards. These panels or boards have been in use in the United States since the 1920's, and their contemporary counterparts, reparative boards, have been in use since the mid-1990's, principally in Vermont. There, the boards are primarily used with adult offenders convicted of nonviolent and minor offenses; more recently, the boards have also been used with juvenile offenders.[5] Reparative boards typically are composed of a small group of citizens, prepared for their function by intensive training, who conduct public, face-to-face meetings with offenders ordered by the court to participate

[4] In the absence of pure control groups, selection bias cannot be ruled out for the comparisons drawn in this study.

[5] Reparative boards are highly localized models, and information on them is sketchy. This Bulletin uses the Vermont reparative boards as a prototype and case study. As noted above, Vermont has used the boards primarily with adult offenders but more recently has begun to use them with juvenile offenders too. Substantial information is available on the operating procedures of the Vermont boards, and the Vermont model can serve as a new prototype for the board/panel-based approach to youth crime.

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in the process. The boards develop sanction agreements with offenders, monitor compliance, and submit compliance reports to the court.

Procedures and Goals

During reparative board meetings, board members discuss with the offender the nature of the offense and its negative consequences. Then board members develop a set of proposed sanctions, which they discuss with the offender until an agreement is reached on the specific actions the offender will take within a given time period to make reparation for the crime. Subsequently, the offender must document his or her progress in fulfilling the terms of the agreement. After the stipulated period of time has passed, the board submits a report to the court on the offender's compliance with the agreed-upon sanctions. At this point, the board's involvement with the offender ends.

The goals of community reparative boards include the following:

- Promoting citizens' ownership of the criminal and juvenile justice systems by involving them directly in the justice process.
- Providing an opportunity for victims and community members to confront offenders in a constructive manner about their behavior.
- Providing opportunities for offenders to take personal responsibility and be held directly accountable for the harm they caused to victims and communities.
- Generating meaningful community-driven consequences for criminal and delinquent actions, thereby reducing costly reliance on formal justice system processing.

Considerations in Implementation

The Vermont Department of Corrections implemented its Reparative Probation Program in 1995, in response to a 1994 public opinion survey (conducted by John Doble and Associates) in which citizens indicated broad support for programs with a reparative emphasis and active community involvement. The program's reparative boards are part of a mandated separation of probation into community corrections service units (designed to provide supervision for more serious cases) and court and reparative service units (which coordinate and provide administrative support to reparative boards).

Based on Vermont's experience, the following factors have been identified by the Vermont Department of Corrections as important in implementing community-driven reparative board programs:

- Marketing the program effectively to the justice system (to judges, prosecutors, and defense attorneys).
- Having a committed, well-trained staff.
- Working with victim organizations and ensuring that victims are represented and provided adequate opportunity to participate.[6]
- Processing cases expeditiously and in a manner that is easy for community members to understand.
- Facilitating a positive experience for the board members.
- Providing quality training for the boards.
- Supporting the program with adequate resources (e.g., space, time, and staff).
- Striving for successful outcomes for offenders, victims, and community participants in the board's initial cases.
- Getting support from judges in limiting the time the offender is in the program and on probation.

An Example of a Community Reparative Board Session

The reparative board convened to consider the case of a 17-year-old who had been caught driving with an open can of beer in his father's pickup truck. The youth had been sentenced by a judge to reparative probation, and it was the board's responsibility to decide what form the probation should take. For about 30 minutes, the citizen members of the board asked the youth several simple, straightforward questions. The board members then went to another room to deliberate on an appropriate sanction for the youth. The youth awaited the board's decision nervously, because he did not know whether to expect something tougher or much easier than regular probation.

When the board returned, the chairperson explained the four conditions of the offender's probation contract: (1) begin work to pay off his traffic tickets, (2) complete a State police defensive driving course, (3) undergo an alcohol assessment, and (4) write a three-page paper on how alcohol had negatively affected his life. The youth signed the contract, and the chairperson adjourned the meeting.

Lessons Learned

Only limited quantitative data have been collected on the effectiveness of community reparative boards. There is growing concern that evaluations of reparative board programs should consider measures beyond the standard offender-focused measure of recidivism. Additional measures should include responsiveness to victim and community needs, victim and community satisfaction, and impact on the community (including physical improvements resulting from board-imposed community work sanctions and indicators of healthy relationships among citizens). At this point, experiential and anecdotal information indicates that reparative boards show much promise as an effective response to nonviolent crime.

For More Information

For more information on reparative boards, contact:

- David Peebles, Director of Restorative Services, Vermont Department of Corrections, 103 South Main Street, Waterbury, VT 05671, 802–241–2261 (phone).
- The National Institute of Corrections Information Center, 1860 Industrial Circle, Suite A, Longmont, CO 80501, 800–877–1461 (phone).

Also, see *Restoring Hope Through Community Partnerships* (American Probation and Parole Association, 1996), available from the American Probation and Parole Association, c/o Council of State Governments,

[6] As noted earlier, reparative boards are intended to provide an opportunity for victims and community members to confront offenders in a constructive manner. In practice thus far, however, these opportunities have proved better suited to community input than victim involvement. Because of this relatively weak involvement of victims, some suggest that reparative boards are not pure examples of restorative justice. See additional discussion on p. 8, under "Comparing and Contrasting the Four Models: Community Involvement and Other Dimensions."

P.O. Box 11910, Lexington, KY 40578–1910, 859–244–8203 (phone); and *Community Reparative Boards: Theory and Practice* (Karp and Walther, 2001).

Family Group Conferencing

Background and Concept

Family group conferencing is based on centuries-old sanctioning and dispute resolution traditions of the Maori of New Zealand. In its modern form, the model was adopted into national legislation in New Zealand in 1989, making it the most systemically institutionalized of any of the four models. In South Australia, family conferencing is now widely used in modified form as a police-initiated diversion approach known as the Wagga Wagga model. (Developed by the Wagga Wagga Police Department, this model uses police officers or school officials to set up and facilitate family conferencing meetings.) Conferencing is also being used in U.S. cities in Minnesota, Montana, Pennsylvania, Vermont, and several other States and in parts of Canada. (The Wagga Wagga model is the primary approach that has taken hold in North America.) A variety of offenses have been resolved through family group conferencing, including theft, arson, minor assaults, drug offenses, vandalism, and, in a number of States, child maltreatment cases. In New Zealand, conferencing is used in the disposition of all but the most violent and serious delinquency cases (Alder and Wundersitz, 1994; Maxwell and Morris, 1993; McElrea, 1993).

Family group conferencing involves the community of people most affected by the crime—the victim, the offender, and the family, friends, and key supporters of both—in deciding the resolution of a criminal or delinquent incident. The affected parties are brought together by a trained facilitator to discuss how they and others have been harmed by the offense and how that harm might be repaired.

Procedures and Goals

The conference facilitator contacts the victim and offender to explain the process and invite them to the conference. The facilitator also asks the victim and offender to identify key members of their support systems, who also will be invited to participate. The conference typically begins with the offender describing the incident. The other participants then describe the impact of the incident on their lives. Some argue that it is preferable to allow the victim to start the discussion, if he or she wishes to do so (Umbreit and Stacy, 1996). Through these narrations, the offender is faced with the impact of his or her behavior on the victim, on those close to the victim, and on the offender's own family and friends, and the victim has the opportunity to express feelings and ask questions about the incident. After a thorough discussion of impacts, the victim is asked to identify desired outcomes from the conference; in this way, the victim can help to shape the obligations that will be placed on the offender. All participants contribute to the problem-solving process of determining how the offender might best repair the harm he or she has caused. The session ends with participants signing an agreement that outlines their expectations and commitments.

Goals of family group conferencing include the following:

- Providing an opportunity for the victim to be directly involved in the discussion of the offense and in decisions regarding appropriate sanctions to be placed on the offender.
- Increasing the offender's awareness of the human impact of his or her behavior and providing the offender an opportunity to take full responsibility for it.
- Engaging the collective responsibility of the offender's support system for making amends and shaping the offender's future behavior.

An Example of a Family Group Conferencing Session

A family conferencing group convened in a local school to consider a case in which a student had injured a teacher and broken the teacher's glasses in an altercation. Group members included the offender, his mother and grandfather, the victim, the police officer who made the arrest, and about 10 other interested parties (including 2 of the offender's teachers and 2 friends of the victim).

The conferencing process began with comments by the offender, his mother and grandfather, the victim, and the arresting officer. Each spoke about the offense and its impact. The youth justice coordinator next asked for input from the other group members and then asked all participants what they thought the offender should do to pay back the victim and the community for the damage caused by his crime. In the remaining 30 minutes of the hour-long conference, the group suggested that the offender should make restitution to the victim for his medical expenses and the cost of new glasses and that the offender should also perform community service work on the school grounds.

- Allowing both offender and victim to reconnect to key community support systems.

Considerations in Implementation

The family group conferencing process has been implemented in schools, police departments, probation offices, residential programs, community mediation programs, and neighborhood groups. Conferencing is most often used as diversion from the court process for juveniles but can also be used after adjudication and disposition to address unresolved issues or determine specific terms of restitution. Conferencing programs have been implemented within single agencies and developed collaboratively among several agencies. After completing a training course, either volunteers or paid employees can serve as conference facilitators.

Participation by all involved in conferences is voluntary. In addition to the victim and offender and their family members, a conference might involve teachers, other relatives, peers, special adult friends, and community resource people.

Lessons Learned

To date, two studies have been conducted to assess the impact of family group conferencing with young offenders. One study (Maxwell and Morris, 1993) assessed the impact of New Zealand's law mandating the widespread use of conferencing. It found that families of offenders in conferencing programs are more frequently and actively involved in the justice process than are families of offenders whose cases are handled by standard procedures. It also found that offenders, victims, and their families described the conference process as helpful. Preliminary evaluations of conferencing programs in the United States also indicate high levels of victim satisfaction with the conference process and high rates of offender compliance with agreements reached during conferences (Fercello and Umbreit, 1999; McCold and Wachtel, 1998).

Practitioners involved in family group conferencing programs observe a reduction in fear for many victims. When used as a diversion from court, conferencing can provide a much speedier and more satisfying resolution of incidents than would otherwise be the case. Family group conferencing also builds community skills in conflict resolution and participatory decisionmaking.

For More Information

For more information about family group conferencing, contact:

- David Hines, Woodbury Police Department, 2100 Radio Drive, Woodbury, MN 55125–9528, 651–714–3600 (phone).
- Kay Pranis or Sue Stacey, Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108, 651–642–0329 or 651–642–0338 (phone).
- Real Justice, P.O. Box 229, Bethlehem, PA 18016, 610–807–9221 (phone).

Circle Sentencing

Background and Concept

Circle sentencing is an updated version of the traditional sanctioning and healing practices of aboriginal peoples in Canada and American Indians in the United States (Stuart, 1995; Melton, 1995). Sentencing circles—sometimes called peacemaking circles—were resurrected in 1991 by judges and community justice committees in the Yukon Territory and other northern Canadian communities. Circle sentencing has been developed most extensively in Saskatchewan, Manitoba, and the Yukon and has been used occasionally in several other communities. Its use spread to the United States in 1996, when a pilot project was initiated in Minnesota. Circle sentencing has been used for adult and juvenile offenders, for a variety of offenses, and in both rural and urban settings.

Circle sentencing is a holistic reintegrative strategy designed not only to address the criminal and delinquent behavior of offenders but also to consider the needs of victims, families, and communities. Within the "circle," crime victims, offenders, family and friends of both, justice and social service personnel, and interested community residents speak from the heart in a shared search for an understanding of the event. Together they identify the steps necessary to assist in healing all affected parties and prevent future crimes. The significance of the circle is more than symbolic: all circle members—police officers, lawyers, judges, victims, offenders, and community residents—participate in deliberations to arrive at a consensus for a sentencing plan that addresses the concerns of all interested parties.

Procedures and Goals

Circle sentencing typically involves a multistep procedure that includes (1) application by the offender to participate in the circle process, (2) a healing circle for the victim, (3) a healing circle for the offender, (4) a sentencing circle to develop consensus on the elements of a sentencing plan, and (5) followup circles to monitor the progress of the offender. In addition to commitments by the offender, the sentencing plan may incorporate commitments by the justice system, community, and family members. Specifics of the circle process vary from community to community and are designed locally to fit community needs and culture.

Goals of circle sentencing include the following:

- Promoting healing for all affected parties.
- Providing an opportunity for the offender to make amends.
- Empowering victims, community members, families, and offenders by giving them a voice and a shared responsibility in finding constructive resolutions.
- Addressing the underlying causes of criminal behavior.
- Building a sense of community and its capacity for resolving conflict.
- Promoting and sharing community values.

Considerations in Implementation

The success of the circle sentencing process depends to a large extent on a healthy partnership between the formal juvenile justice system and the community. Participants from both need training and skill building in the circle process and in peacemaking and consensus building. It is critically important that the community's planning process allow sufficient time for strong relationships to develop between justice professionals and community members. Implementation procedures should be highly flexible, because the circle process will evolve over time based on the community's knowledge and experience. As it gains experience, the community can customize the circle process to fit local resources and culture.

In many communities that have implemented the circle sentencing concept, direction and leadership have come from a community justice committee that decides which cases to accept, develops

An Example of a Circle Sentencing Session

The victim was a middle-aged man whose parked car had been badly damaged when the offender, a 16-year-old, crashed into it while joyriding in another vehicle. The offender had also damaged a police vehicle.

In the circle, the victim talked about the emotional shock of seeing what had happened to his car and his costs to repair it (he was uninsured). Then, an elder leader of the First Nations community where the circle sentencing session was being held (and an uncle of the offender) expressed his disappointment and anger with the boy. The elder observed that this incident, along with several prior offenses by the boy, had brought shame to his family. The elder also noted that in the old days, the boy would have been required to pay the victim's family substantial compensation as a result of such behavior. After the elder finished, a feather (the "talking piece") was passed to the next person in the circle, a young man who spoke about the contributions the offender had made to the community, the kindness he had shown toward elders, and his willingness to help others with home repairs.

Having heard all this, the judge asked the Crown Council (Canadian prosecutor) and the public defender, who were also sitting in the circle, to make statements and then asked if anyone else in the circle wanted to speak. The Royal Canadian Mounted Police officer, whose vehicle had also been damaged, then took the feather and spoke on the offender's behalf. The officer proposed to the judge that in lieu of statutorily required jail time for the offense, the offender be allowed to meet with him on a regular basis for counseling and community service. After asking the victim and the prosecutor if either had any objections, the judge accepted this proposal. The judge also ordered restitution to the victim and asked the young adult who had spoken on the offender's behalf to serve as a mentor for the offender.

After a prayer in which the entire group held hands, the circle disbanded and everyone retreated to the kitchen area of the community center for refreshments.

support groups for the victim and offender, and helps to conduct the circles. In most communities, circles are facilitated by a trained community member, who is often called a keeper.

Although circles have been used as a response to serious and violent crimes, circle sentencing is not an appropriate response to all offenses. Key factors in determining whether a case is appropriate for the circle process include the offender's character and personality, sincerity, and connection to the community; the victim's input; and the dedication of the offender's and victim's support groups. Moreover, circles are often labor intensive and require a substantial investment of citizen time and effort; circles should not, therefore, be used extensively as a response to first offenders and minor crime.

The capacity of the circle to advance solutions capable of improving the lives of participants and the overall well-being of the community depends on the effectiveness of the participating volunteers. To ensure a cadre of capable volunteers, the program should support a paid community-based volunteer coordinator to supply logistical support, establish linkages with other agencies and community representatives, and provide appropriate training for all staff.

Lessons Learned

Very little research has been conducted to date on the effectiveness of circle sentencing. One study conducted by Judge Barry Stuart in Canada in 1996 indicated that recidivism was less likely among offenders who had participated in circles than among offenders who were processed traditionally (Stuart, 1996). Those who have been involved with circles report that circles empower participants to resolve conflict in a manner that promotes sharing of responsibility for outcomes, generates constructive relationships, enhances respect and understanding among all involved, and fosters enduring, innovative solutions.

For More Information

For more information on circle sentencing, see *Building Community Justice Partnerships: Community Peacemaking Circles*, by Barry Stuart. The publication is available from Aboriginal Justice Section, Department of Justice of Canada, Ottawa, ON, Canada K1A0H8, Attention: Learning Network, 613–954–0119 (phone), 613–957–4697 (fax).

Comparing and Contrasting the Four Models: Administration and Process

Table 1 describes the origins and current applications of the four restorative conferencing models and summarizes administrative and procedural similarities and differences among them. Although the four models share a nonadversarial, community-based sanctioning focus on cases in which offenders either admit guilt or have been found guilty of crimes or delinquent acts, the models vary along several administrative and procedural dimensions. This discussion highlights selected dimensions in table 1 that vary significantly from model to model.

The models differ in point of referral and in structural relationship to formal court and correctional systems. The models also differ in eligibility, which ranges from minor first offenders to quite serious repeat offenders (in the case of circle sentencing).

With the exception of most community reparative boards, decisionmaking is by consensus. Specific processes and protocols, however, vary substantially, ranging from circle sentencing's ancient ritual of passing a stick or feather as a "talking piece" (Stuart, 1995) to the more formal deliberation process followed by reparative boards (Dooley, 1995).

The process of managing dialog varies significantly among the four models. In reparative board hearings, a chairperson guides members through their questioning of the offender and their discussions with hearing participants. In family group conferences, a coordinator manages the discussion by encouraging all participants to speak. In victim-offender mediation sessions, the mediator manages the dialog by encouraging victim and offender to take primary responsibility for expressing their feelings and concerns directly to each other, by ensuring that each participant respects the other's right to speak, and by occasionally probing to keep the discussion flowing. In circle sentencing, participants rely primarily on the process itself, which requires that only one person speak at a time and only when handed the talking piece. Each circle has a "keeper," but the keeper's role is not to manage the dialog but simply to initiate it, ensure the process is followed, and occasionally summarize progress.

Table 1: Restorative Conferencing Models: Administration and Process

	Victim-Offender Mediation	Reparative Boards	Family Group Conferencing	Circle Sentencing
Origin	Since mid-1970's.	Since 1995 (similar youth panels: since 1920).	New Zealand, 1989; Australia, 1991.	Since approximately 1992.
Current applications	Throughout North America and Europe.	Vermont; selected jurisdictions and neighborhoods in other States.	Australia; New Zealand; United States (since 1990's), in cities and towns in Montana, Minnesota, Pennsylvania, and other States.	Primarily the Yukon, sporadically in other parts of Canada. Minnesota, Colorado, and Massachusetts.
Referral point in system	Mostly diversion and probation option. Some use in residential facilities for more serious cases.	One of several probation options (youth panels: almost exclusively diversion).	New Zealand: throughout juvenile justice system. Australian Wagga Wagga model: police diversion. United States: mostly diversion, some use in schools and post-adjudication.	Various stages. May be diversion or alternative to formal court hearings and corrections process for indictable offenses.
Eligibility and target group	Varies. Primarily diversion cases and property offenders. In some locations, used with serious and violent offenders (at victim's request).	Target group is nonviolent offenders; eligibility limited to offenders given probation and assigned to the boards.	New Zealand: all juvenile offenders eligible except those charged with murder and manslaughter. Australian Wagga Wagga model: determined by police discretion or diversion criteria.	Offenders who admit guilt and express willingness to change. Entire range of offenses and offenders eligible; chronic offenders targeted.

Comparing and Contrasting the Four Models: Community Involvement and Other Dimensions

Table 2 summarizes aspects of community involvement for each of the four restorative conferencing models. Table 2 also addresses several other dimensions that provide useful points of comparison among the models, including victim role and preparation/followup.

The way "community" is defined and involved in restorative conferencing models is a critical factor affecting the nature and extent of citizen participation in and ownership of the conferencing process. As table 2 suggests, victim-offender mediation, for example, in effect defines the community as the victim-offender dyad.[1] In circle sentencing, on the other hand, the community is conceptualized much more broadly as all residents of a local neighborhood, village, or aboriginal band; for purposes of implementing the circle process, the community may be defined as anyone with a stake in the resolution of a crime who chooses to participate in the circle.

The remainder of this section focuses on two particularly important additional dimensions of the restorative conferencing models: victim role and preparation/followup.

Victim Role

The formal justice system directs its attention primarily toward the offender, first with regard to guilt or innocence and second with regard to appropriate punishment, treatment, or monitoring. The community is often an abstract and distant concern (Barajas, 1995; Clear, 1996). Because victims have been so neglected as stakeholders in both formal and community justice approaches, it is important to give special attention to their role in each restorative conferencing process.

Victim-offender mediation. Mediation programs offer victims an opportunity to tell offenders how the crime has affected them, give victims maximum input into plans for holding offenders responsible, and ensure that victims are compensated for their losses to the greatest extent possible. The programs also provide victims with referrals for needed services and assistance.

Victims frequently are given the opportunity to speak first in mediation sessions, which helps them feel empowered or at least not overwhelmed or abused by the

[1] Some feel that the community (volunteer) mediator also is part of the community definition.

Table 1—*Continued*

	Victim-Offender Mediation	Reparative Boards	Family Group Conferencing	Circle Sentencing
Staffing	Mediator. Other positions vary.	Reparative coordinator (probation staff).	Community justice coordinator.	Community justice coordinator.
Setting	Neutral setting (meeting room in library, church, community center); victim's home (occasionally, if all parties approve).	Public building or community center.	Social welfare office, school, community building, police facility (occasionally).	Community center, school, other public building, church.
Process and protocols	Victim speaks first. Mediator facilitates but encourages victim and offender to speak, does not adhere to script.	Mostly private deliberation by board after questioning offender and hearing statements. Some variation emerging in local boards (youth panel members generally deliberate).	Australian Wagga Wagga model: coordinator follows script in which offender speaks first, then victim and others. New Zealand: model not scripted, allows consensus decisionmaking after private meeting of family members.	Keeper opens session and allows for comments from judge. Prosecutors and defense present legal facts of case (for more serious crimes). All participants allowed to speak when "talking piece" (feather or stick) is passed to them. Consensus decisionmaking.
Managing dialog	Mediator manages.	Board chairperson manages. Participants speak when asked.	Coordinator manages.	After keeper initiates, dialog managed by process of passing talking piece.

process. Mediation programs give the needs of victims and offenders priority over the needs of other participants in the process (e.g., parents and other relatives), but victims receive extra attention to ensure that they are not revictimized by the process itself. Victim participation in the mediation process is voluntary. Most programs also are voluntary for offenders and attempt to engage their participation in the least coercive manner possible (Umbreit and Greenwood, 1998); in some jurisdictions, however, offenders are often less-than-willing participants (Belgrave, 1995).

Increasingly, mediation programs seek to offer their services in a victim-sensitive manner (Umbreit, 1994; Umbreit and Greenwood, 1998). In contrast to other models, most research studies report that victim satisfaction with victim-offender mediation has been uniformly high (Belgrave, 1995; Umbreit and Coates, 1993).

Reparative boards. The design of Vermont's reparative boards was shaped to a large extent by restorative justice concepts (Dooley, 1995; and Dooley, Vermont Department of Corrections, personal communication, 1996), and State officials who developed and now monitor the boards strongly encourage an emphasis on victim participation. Nevertheless, in the early months of operation, victim involvement in most local boards was minimal (Dooley, personal communication). Some boards appear to have increased victim involvement, but it remains to be seen to what extent citizen board members will want to take on the demanding task of contacting crime victims and engaging their participation in the justice process (Karp and Walther, 2001). Some boards have demonstrated a strong commitment to making certain that offenders repay victims; ultimately, this commitment might motivate increased involvement of victims as the value of all forms of victim-offender dialog in improving restitution completion rates becomes clearer (Umbreit and Coates, 1993). State administrators have also encouraged boards to refer victims and offenders to victim-offender mediation or family group conferencing programs, if such programs are available in the community and if victims agree to participate (Dooley, 1996).

Family group conferencing. The dimensions of victim protection and empowerment are more complex in models that move beyond the small group or dyad to the larger community. Family group conferencing is perhaps the strongest of all the models in its potential for educating offenders about the harm their behavior causes to others. Concerns have been expressed, however, about the role of victims in this model. Among these concerns are the following:

- Emphasis on offender education may cause victim needs to be overshadowed or trivialized (Belgrave, 1995; Umbreit and Zehr, 1996), as appears to have been the case when conferences have been held with little or no victim input or involvement (Alder and Wundersitz, 1994; Maxwell and Morris, 1993).
- Standard protocol for family group conferences requires that offenders speak first (McDonald et al., 1995), which may

Table 2: Restorative Conferencing Models: Community Involvement and Other Dimensions

	Victim-Offender Mediation	Reparative Boards	Family Group Conferencing	Circle Sentencing
Who participates? (the community)	Mediator, victim, offender are standard participants. Parents often involved. Others occasionally involved.	Reparative coordinator (probation employee), community reparative board, offender and supporters, victim (on a limited basis). Youth panels (a related approach) use diversion staff.	Coordinator identifies key participants. Close kin of victim and offender invited. Police, social services, or other support persons also invited. Broader community not encouraged to participate.	Judge, prosecutor, defense counsel participate in serious cases. Victim(s), offender(s), service providers, support group present. Open to entire community. Justice committee ensures participation of key residents.
Victim role	Expresses feelings regarding crime and impact. Has major role in decision regarding offender obligation and content of reparative plan. Has ultimate right of refusal; consent is essential.	Input into plan sought by some boards. Inclusion of victims rare but currently encouraged; more active role being considered.	Expresses feelings about crime, gives input into reparative plan.	Participates in circle and decisionmaking; gives input into eligibility of offender, chooses support group, and may participate in a healing conference.
Gatekeepers	Courts and other entities make referrals.	Judge.	New Zealand: court and community justice coordinator. Australia and United States: police and school officials.	Community justice committee.
Relationship to formal system	Varies on continuum from core process in diversion and disposition to marginal programs with minimal impact on court caseloads.	One of several probation options for eligible low-risk offenders with minimal service needs. Plans to expand. Some impact on caseloads anticipated.	New Zealand: primary process of hearing juvenile cases, required ceding of disposition power, major impact on court caseloads. Australia (Wagga Wagga) and United States: police-driven process, variable impact on caseloads, concern regarding net-widening; in United States, used for very minor cases (most commonly shoplifting).	Judge, prosecution, court officials share power with community, i.e., selection, sanctioning, followup. Presently minimal impact on court caseloads.

affect victims' participation in the discussion.

- Some interpretations of family group conferencing place primary emphasis on getting offenders to experience shame (Alder and Wundersitz, 1994; Strang, 1995). In such interpretations, victim benefits are limited to an apology and perhaps material restitution. Either or both of these benefits may meet the main needs of many victims, but other needs may be neglected. Moreover, if forgiveness is a primary goal, the process may be slanted toward eliciting apologies from offenders. victims may feel pressured to offer forgiveness and resentful of the implication that they should do so, and resentment may cause some victims to refuse to participate (Umbreit and Stacy, 1996).
- Other criticisms of victim treatment in the family group conferencing model cite a lack of concern with victim empowerment, lack of protection against abuse or retaliation, and use of victims to serve as "props" or to meet offender needs (Umbreit and Zehr, 1996).

Table 2—*Continued*

	Victim-Offender Mediation	Reparative Boards	Family Group Conferencing	Circle Sentencing
Preparation	Typically, face-to-face preparation with victim and offender to explain process. Some programs use phone contact.	Preservice training provided to board members. No advance preparation for individual hearings.	Phone contact with all parties to encourage participation and explain process. New Zealand model requires face-to-face visits with offender, offender's family, and victim.	Extensive work with offender and victim prior to circle. Explain process and rules of circle.
Followup (enforcement and monitoring)	Varies. Mediator may follow up. Probation and/or other program staff may be responsible.	Condition of probation. Coordinator monitors and brings petition of revocation to board, if necessary.	Unclear. Australia (Wagga Wagga): police. New Zealand: coordinator. United States and Canada: others.	Community justice committee. Judge may hold jail sentence as incentive for offender to comply with plan.
Primary outcome(s) sought	Allow victim to relay impact of crime to offender, express feelings and needs; victim satisfied with process; offender has increased awareness of harm, gains empathy with victim; agreement on reparative plan.	Engage and involve citizens in decision-making process; decide appropriate reparative plan for offender; require victim awareness, education, and other activities that address ways to avoid re-offending in future.	Clarify facts of case. Denounce crime while affirming and supporting offender; restore victim loss; encourage offender reintegration. Focus on "deed not need" (i.e., on offense and harm done, not offender's needs). Some emphasis on collective accountability.	Increase community strength and capacity to resolve disputes and prevent crime; develop reparative and rehabilitative plan; address victim concerns and public safety issues; assign victim and offender support group responsibilities and identify resources.

Victim participation and satisfaction were indeed significant problems during the early development of family group conferencing in New Zealand (Maxwell and Morris, 1993), but it is wrong to conclude that most advocates of the conferencing model are not concerned with victims' needs (Moore and O'Connell, 1994; Braithwaite and Mugford, 1994). Recent studies of family group conferencing programs in Minnesota (Fercello and Umbreit, 1999; Umbreit and Fercello, 1997), Pennsylvania (McCold and Wachtel, 1998), and South Australia (Daly, 2000) have found higher rates of victim participation and satisfaction than when the model was first introduced in New Zealand (Morris and Maxwell, 2001).

Such criticism of victim treatment in family group conferencing (or in any alternative model) should have as its context the extent to which the current formal system does or does not provide for victim reparation, empowerment, and support (Stuart, 1996). Nevertheless, as family group conferencing models evolve, it will be important to keep in mind that emphasis on offender shaming and reintegration may limit the model's capacity to meet the needs of crime victims.

Circle sentencing. Proponents of circle sentencing are concerned with protecting victims, providing them with support, and hearing their stories. Circle organizers avoid an unbalanced focus on offenders' issues, which may cause victims to withdraw or react by challenging offenders (Stuart, 1996). Victims' telling of their stories is viewed as important not only for victims, offenders, and their supporters, but also for the community as a whole. If a victim is unwilling to participate in a circle, the organizer may encourage a friend or relative to speak on the victim's behalf; however, organizers emphasize the value of community residents hearing victims' stories firsthand whenever possible (Stuart, 1996).

Because the circle sentencing process is so open and community driven, a potential concern is that the importance given to victims' needs may vary widely. The seriousness of offenders' needs may slant the focus of some circles toward offender rehabilitation, service, and support and away from victims' needs, as also appears to occur in some family group conferences (Maxwell and Morris, 1993; Umbreit and Stacey, 1996). In addition, because the circle sentencing model requires extensive preparation on the offender's part before the circle convenes (see discussion in the following section), some circles become "stacked" with offender supporters who have little relationship to victims.

Initially unique to the circle sentencing model of conferencing is the concept of victim support groups (Stuart, 1996). Support groups are formed by community

justice committees, which are responsible for achieving an appropriate balance among victim, offender, and community needs and representation. Usually a support group is formed at the time an offender petitions for admission to the circle, but the group may expand at any time (including during the circle ceremony itself).

Preparation/Followup

The presession preparation stage of any restorative conferencing process offers perhaps the greatest opportunity to engage citizens in the restorative justice process and ensure their meaningful participation (Stuart, 1995; Umbreit, 1994). Followup activities—monitoring and enforcement of sanctioning plans and agreements that result from decisionmaking sessions—provide critical linkage between court dispositions and correctional intervention. Followup has been particularly at issue among some critics of restorative conferencing models (Alder and Wundersitz, 1994). Thus, the extent to which preparation and followup are viewed as vital to success is one of the most interesting and important differences among the four restorative conferencing models.

Victim-offender mediation. Mediation programs stress the importance of extensive victim and offender preparation prior to the mediation session. The most widely accepted model encourages mediators to hold at least one separate, face-to-face discussion with the offender and the victim. During these discussions, the mediator listens to each person describe how the crime affected him or her, gives an overview of the mediation process, identifies its potential benefits, and invites each person to participate. If the offender and victim agree to participate, the mediator introduces them to the process in a way that minimizes anxiety and maximizes the likelihood that the two parties will engage in direct dialog with minimal intervention by the mediator (Umbreit, 1994, 1997). Many practitioners argue that upfront preparation is often more important than the session itself in bringing about a successful result (Umbreit and Stacy, 1996).

Victim-offender mediation programs vary in their approach to monitoring and enforcement. In many programs, mediators usually help session participants devise a reparation schedule and may even ask them to agree to a followup meeting to review progress (Umbreit, 1994). In some programs, followup may be the responsibility of probation or diversion staff (depending on the offender's court status), other paid staff, community volunteers, or student interns; in others, victim-offender mediation may be one part of a larger restitution program responsible for development and enforcement of reparation agreements (Belgrave, 1995; Schneider, 1985).

Reparative boards. In Vermont's reparative board programs, case preparation usually is limited to brief intake interviews with offenders to gather information about the offense for the board hearings. Boards can obtain basic information about victim losses from police, court, or probation records. Nevertheless, some board programs increasingly are attempting to contact victims prior to hearings.

Monitoring and enforcement policies and procedures are more formally developed in reparative boards than in other models. Board members themselves have enforcement responsibilities (i.e., recommending revocation or termination of offender contracts as necessary), although they do not make final enforcement decisions. A reparative coordinator, who is a State corrections employee, is responsible for monitoring offender contract compliance (Reparative Probation Program, 1995). If offenders do not meet contract conditions, the coordinator may recommend that they be charged with violation of probation or conditions of the diversion agreement and/or that the court take additional corrective action (Dooley, 1996).

Family group conferencing. In New Zealand, preparation is viewed as critical for the success of family group conferences. Preconference face-to-face meetings generally are held with offenders and their families, and victims are contacted by phone (Hakiaha, 1995). The Australian Wagga Wagga model places much less emphasis on preparation, apparently in the belief that spontaneity is important. Some coordinators, for example, argue that hearing victims' and offenders' stories prior to the conference may even diminish the impact and focus of the stories (Umbreit and Stacy, 1996). Recently, however, some proponents of the Wagga Wagga model are placing greater emphasis on the need to ensure accuracy of facts, check with participants, develop plans, and ensure that key participants and their support groups attend conference sessions (McDonald et al., 1995).

Family group conferencing programs generally have often left responsibility for compliance to the offender (Moore and O'Connell, 1994), although the New Zealand model does provide for reconvening conferences in the event of noncompliance (Maxwell and Morris, 1993). Conferencing programs generally do not make monitoring and enforcement responsibilities explicit, although Australia's Wagga Wagga model anticipates that police officers are ultimately responsible for enforcement and that juvenile justice staff may also play a role (Alder and Wundersitz, 1994). In the United States, the enforcement function is evolving and varies from jurisdiction to jurisdiction. Although preferred practice calls for encouraging voluntary compliance and assigning monitoring roles to conference participants, final enforcement authority rests primarily with the police agencies that convene the conferences; however, the extent of actual followup varies.

Circle sentencing. Perhaps because its community empowerment and healing goals are most ambitious, the circle sentencing model demands the most extensive presession preparation. As a condition of admission to a circle, offenders are required to petition the community justice committee, visit an elder or other respected community member for a conference, begin work on a reparative plan that may involve some restitution to the victim and community service, and identify a community support group (Stuart, 1996). This presession process serves as a screening device and an indicator that offenders are serious about personal change. It is not uncommon for circles to be canceled or postponed if offenders fail to complete the preliminary steps (Stuart, 1996). When the screening process works well and offenders meet the presession obligations, however, a circle can actually be less a hearing about disposition requirements than a celebration of the offender's progress and an opportunity for victim and offender to tell their stories.

Followup should be as intensive as preparation in the circle sentencing model. Circle participants are expected to take responsibility for monitoring and enforcing the conditions of the circle sentence, which often include an extensive list of reparative responsibilities, treatment requirements, and (in aboriginal communities) traditional healing and community-building rituals. Support groups for offenders and victims, which are formed through community justice committees, also monitor

offenders and act as victim advocates to ensure that agreements made within the circle are carried out. Sentencing circle agreements are subject to review by a judge, who asks for routine reports from the justice committee and support groups. At the conclusion of a circle, the judge may assign further monitoring responsibilities to members of the community and may withhold a final decision about detention terms or other sanctions pending the offender's completion of obligations as verified at a followup hearing.

Comparing and Contrasting the Four Models: Summary

In comparing these four models, it must be remembered that, as noted earlier in the Bulletin, the philosophy and practice of any given restorative conferencing program may deviate substantially from the prototypes presented here. Indeed, the evolution of the restorative justice movement is producing significant changes as practitioners think more carefully about the implications of restorative principles for their practice. For example, reparative boards and victim-offender mediation have been influenced by family group conferencing models, and some family group conferencing programs have recently adopted components of circle sentencing.

The most important conclusion to be drawn from this comparison of the four models is that there is no one best approach for every community or for every case within a community. For example, circle sentencing is perhaps the most holistic of the models. Yet circles also demand the greatest time commitment from participants and thus are not wisely used on minor or less complex cases.

Some have suggested that the future may bring a single hybrid model. More practically, however, jurisdictions can consider developing a "menu" of conferencing alternatives to respond to diverse case needs and to make the most efficient use of scarce resources. For example, a brief encounter with a reparative board may be the most appropriate and cost-effective response to a property offender with few prior incidents and no other complications requiring more intensive intervention, whereas circle sentencing may be more appropriate for serious and chronic offenders involved in dysfunctional relationships.

Dimensions of Restorative Justice and Decisionmaking

Efforts to increase community participation in the dispositional decisionmaking process are nothing new. In the late 1970's, the Law Enforcement Assistance Administration of the U.S. Department of Justice supported neighborhood justice centers (also known as dispute resolution centers) in several cities (Garafalo and Connelly, 1980; McGillis and Mullen, 1977). More recently, a variety of initiatives have placed prosecution and defense services, and even entire courts, in neighborhoods and have adapted services to provide a better fit with the needs of local citizens (National Institute of Justice, 1996b). Federal and State juvenile justice agencies have been especially concerned with promoting a less formal, more accessible neighborhood focus for intervention and in recent years have supported youth courts, juvenile drug courts, and mentoring programs.

These efforts often have been effective in making justice services more geographically accessible to citizens, increasing flexibility of service delivery (e.g., more convenient hours, more diversity), and encouraging informality in the decisionmaking process by relying whenever possible on dispute resolution, negotiation, and mediation practices rather than legal rules and procedures (Harrington and Merry, 1988; Rottman, 1996). However, when facilities and services are merely placed in neighborhoods without the involvement of local residents, the result is an isolated program or process that may be said to be in, but not of, the community (Byrne, 1989; Clear, 1996). Similarly, increasing flexibility and breaking down formal barriers may increase citizens' willingness to seek and receive assistance but will not necessarily increase their involvement as participants in the justice process or even allow them to determine what services they would like in their neighborhoods.

Unfortunately, emphasis on developing programs and increasing accessibility of services has contributed to a one-dimensional definition of restorative justice. Ultimately, neither new programs nor increased access alone will change the role of neighborhood residents from service recipients to decisionmakers with a stake in (and sense of ownership of) the process for determining what services are provided and how they are delivered. By defining new and distinctive roles for citizens, the four conferencing models examined in this Bulletin add an important dimension to earlier and ongoing restorative justice initiatives (McGillis and Mullen, 1977; National Institute of Justice, 1996a).

What is the relevance of these apparently esoteric models to juvenile justice professionals, victim advocates, treatment providers, and other intervention professionals? Notably, an increasing number of State departments of juvenile courts, probation departments, parole agencies, and corrections systems are adopting one or more aspects of restorative justice policy (e.g., Bazemore and Griffiths, 1997; Dooley, 1995; Pennsylvania Juvenile Court Judges Commission, 1997; Pranis, 1995). What appear on the surface to be simply informal alternatives to courts actually have relevance to the objectives of all components of the juvenile justice system.

The larger promise of the evolving approaches is a new avenue for achieving a wider and deeper level of citizen involvement in the rehabilitative, sanctioning, and public safety missions of juvenile justice than has been possible through offender-focused intervention alone. Prospects for increasing community involvement, the nature of the process of engaging citizens, and the roles assigned to the community (including crime victims) are therefore the most crucial dimensions for comparing and contrasting the four conferencing models that are the focus of this Bulletin.

Each of the four models has its strengths and weaknesses in a variety of dimensions in addition to those considered here. Although much remains to be learned and there is much room for improvement, each model has demonstrated its unique value to juvenile justice systems and communities that are trying to develop more meaningful sanctioning responses to youth crime.

Field-Initiated Program

In 1996, the Hudson Institute, a public policy research organization located in Indianapolis, IN, began to work with the local police department, sheriff's department, juvenile court, prosecutor's office, and mayor on a project to use Australian-style restorative justice conferences as an alternative response to juvenile offending. The project, which is ongoing, focuses on young (under age 15), first-time offenders in Marion County, IN.

Later that year, the Institute applied for and received a grant from OJJDP through its field-initiated research and evaluation program. These funds were used to conduct an evaluation of the impact of these restorative justice conferences on the recidivism rate of young offenders and other outcomes. To date, more than 400 youth have participated in the experimental design used for this evaluation.

The findings are very encouraging. They indicate that restorative justice conferences can be successfully implemented in an urban setting in the United States. More than 80 percent of youth referred to a conference are attending the conference and successfully completing the terms of the reparation agreement. For Indianapolis, this compares very favorably with other court-related diversion programs. In addition, trained observers report that conferences are being implemented according to restorative justice principles such as inclusion of affected parties, respect, and problem solving. Victims receive apologies, and other mutually agreed-to actions are included in the agreements. These characteristics translate into victims reporting high levels of satisfaction.

In terms of reoffending, the results are also promising. Both for the total sample and for youth who successfully completed their diversion programs, youth who attended conferences were significantly less likely to be rearrested 6 months after the initial incident. Researchers are completing the 12-month followup of participants, and final results of the study will be published in a forthcoming OJJDP Bulletin.

Issues and Concerns

Restorative justice is assuming an ever higher profile, and its new decision-making structures and processes are bound to come under close scrutiny. It is therefore important to address critical issues and concerns related to evaluating the success of new restorative justice approaches, gauging progress in their development, and meeting the challenges of balancing and sharing power.

Evaluating Success and Gauging Progress

Despite the proliferation of restorative justice programs, there is a significant lack of evaluation research to provide an empirical basis for determining whether new initiatives are achieving their stated objectives. The exception is victim-offender mediation, which has been the subject of numerous studies in North America and Europe (Coates and Gehm, 1989; Dignan, 1990; Marshal and Merry, 1990; Umbreit, 1994, 1995; Umbreit and Coates, 1993; Umbreit, Coates, and Roberts, 1997; Umbreit and Roberts, 1997).

Perhaps the most critical concern for evaluators and juvenile justice professionals is that many of the new restorative justice initiatives have objectives that are far more holistic than those of traditional crime control responses. Whereas traditional crime control efforts typically have used recidivism rates as a primary outcome measure, an evaluative framework for these new approaches needs to include criteria for measuring outcomes of community empowerment and solidarity, victim interests, and crime prevention. The framework should also take into account intermediate and process outcomes such as community and victim involvement, reintegrative shaming, reparation to victims, dispute resolution, and healing. As new and more appropriate standards emerge for evaluating restorative justice models, it is essential that the basis for comparison be the reality of the current system rather than an idealized version of its performance. It is also essential that any comparisons between restorative justice models and the current system use similar indicators to measure performance.

Another important consideration for any new restorative justice process is its integrity, i.e., its consistency with restorative justice principles. With 25 years of experience to draw upon, victim-offender mediation offers the following basic guidelines that can serve to inform any new restorative conferencing initiative and its implementation:

- If public agencies such as police or probation initiate a restorative conferencing process, actual sessions should be cofacilitated by trained community volunteers. This increases citizen participation and reduces the likelihood of an imbalance of power among parties involved in the sessions. Community involvement and volunteer participation are essential to the success of restorative conferencing but do not preclude the need for public support (e.g., funding to cover the costs of systems development, referrals, training, etc.) to sustain high-quality programs.
- If a local victim-offender mediation or dialog program already exists, other restorative conferencing initiatives should be developed in collaboration with the existing program. For example, volunteer mediators could also serve as cofacilitators.
- Session facilitators should be trained in mediation and conflict resolution skills, approaches to understanding the experiences and needs of crime victims and young offenders, and cultural and ethical issues that are likely to affect the process and participants.
- Victims should be able to make informed decisions about their participation. They should be told about potential benefits and risks and should never be pressured to participate or told to "just trust" the facilitator's judgment. Victims should also be allowed to choose when and where the session is held and should have the opportunity to present their story first if they wish.
- In-person preparation of primary participants (victims, offenders, and their immediate families) should take place whenever possible. It is important for facilitators to connect with the parties, provide information, encourage participation, and build rapport, trust, and a sense of safety.

Regardless of what model or combination of models a local community or juvenile court might choose, ongoing monitoring

Building Community Through Restorative Conferencing

The true test of restorative conferencing. The ultimate measure of success for any approach that claims to advance restorative justice should be its ability to strengthen the capacity of communities to respond effectively to crime (Bazemore, 2000). In restorative justice, crime is viewed as both a cause and result of broken or weakened relationships. As Pranis (1998, p. 10) suggests: "The fabric of community is the weaving of relationships. Crime harms relationships and thus weakens community. Our response to crime needs to attend to these relationships to rebuild or strengthen the community fabric."

If restorative conferencing models are to be more than another programmatic add-on, advocates of the models should be challenged to ask whether the models meet the test of building community. Do these models:

- Create positive new relationships or strengthen existing relationships?
- Increase community skills in problem solving and constructive conflict resolution?
- Increase the community sense of capacity and efficacy in addressing problems?
- Increase individual awareness of and commitment to the common good?
- Create informal support systems or safety nets for victims and offenders?

Potential roles for the community. Experience has shown that given the chance, citizens and community groups can play significant roles in restorative justice. Such roles may include service on advisory boards at local, county, and State levels; policy input through public forums and community surveys; prevention policy development; a variety of victim and offender support activities, including church- and community-based programs, police chaplaincy programs, healing circles, and neighborhood outreach programs; and volunteer service as victim advocates, mediators for victim-offender mediation programs, and reparative board members.

New functions for juvenile justice professionals. Despite emphasis on the community role, restorative justice should never be viewed as something independent of the formal justice system. Juvenile courts and juvenile justice professionals must play key leadership roles in partnerships with community groups to develop and sustain a credible community response to youth crime. Because current job descriptions for juvenile justice professionals usually do not include functions associated with restorative justice, another test for efforts to engage the community in decisionmaking must be whether new professional roles are being developed. Such new roles are emerging in several communities where restorative justice is now actively practiced. For example, in Deschutes County, OR, probation officers are now called community justice officers, and their responsibilities include developing and supporting community service projects, developing restorative conferencing, coordinating services to crime victims, and performing a variety of community-building and restorative functions.

The process of engaging the community. The process followed by juvenile justice professionals in engaging the community may be the most important aspect of creating a new collaborative relationship between the justice system and the community. Such a process is illustrated in the following steps suggested by the Minnesota Department of Corrections:

- Gather information about restorative justice and possible models in the community.
- Educate yourself about the community you will be working with.
- Identify credible leaders in the community or neighborhood, attend community gatherings, read local papers, and ask local residents about issues and leaders.
- Educate yourself about victim services in the community and establish contact with those services.
- Clarify your own goals and values in approaching the community. (What are you trying to achieve? What is important to you about what you are doing and how you do it?)
- Assess potential support in the criminal and juvenile justice systems and educate key leaders about restorative justice.
- Working with community leaders, plan informational sessions to explore community interest. Invite participation by victims' representatives.
- At each session, recruit volunteers who would like to be involved in creating a new approach in the community based on restorative values.

and evaluation will be needed to ensure that conferencing processes adhere to restorative justice principles. No model or process is perfect. In practice, therefore, adherence to these principles may be viewed as a continuum within which new approaches can be assessed and continuously improved (table 3).

Sharing and Balancing Power

The restorative justice processes discussed in this Bulletin are often proposed as alternatives to the legal-procedural approach to dispositional decisionmaking by the juvenile court. Concerns have been raised, however, about the mechanisms of accountability in restorative justice decisionmaking. In considering the development of justice programs in aboriginal communities in Canada, Griffiths and Hamilton (1996) have raised concerns that are just as relevant in urban U.S. communities:

> Care must be taken to ensure that family and kinship networks and the community power hierarchy do not compromise the administration of justice. As in any community, there is a danger of a tyranny of community in which certain individuals

Table 3: Restorative Community Justice: Least- to Most-Restorative Impact

Least-Restorative Impact	Most-Restorative Impact
Entire focus is on determining the amount of financial restitution to be paid, with no opportunity to talk directly about the full impact of the crime on the victim and the community, and also on the offender.	Primary focus is on providing an opportunity for victims and offenders to talk directly to each other, to allow victims to describe the impact of the crime on their lives and receive answers to questions, and to allow offenders to appreciate the human impact of their behavior and take responsibility for making things right.
No separate preparation meetings with the victim and offender prior to bringing the parties together.	Separate preparation meetings with the victim and offender, with emphasis on listening to how the crime has affected them, identifying needs, and answering questions about the mediation process.
Victims not given choice of meeting place (where they would feel most comfortable) or participants; given only written notice to appear for mediation session at preset time, with no preparation.	Victims continually given choices throughout the process: where to meet, whom they would like to be present, etc.
Mediator or facilitator describes offense and offender then speaks, with the victim simply asking a few questions or responding to questions from the mediator.	Victims given choice to speak first and encouraged to describe offense and participate actively.
Highly directive styles of mediation or facilitation, with the mediator talking most of the time, little if any direct dialog between the involved parties.	Nondirective style of mediation or facilitation with minimal mediator interference, and use of a humanistic or transformative mediation model.
Low tolerance for moments of silence or expression of feelings.	High tolerance for silence, expression of feelings, and discussion of the full impact of the crime.
Voluntary for victim but required of offender regardless of whether he or she takes responsibility.	Voluntary for victim and offender.
Settlement-driven and very brief (10–15 minutes).	Dialog-driven and typically lasts about an hour (or longer).
Paid attorneys or other professionals serve as mediators.	Trained community volunteers serve as mediators or facilitators, along with agency staff.

and groups of residents, particularly those who are members of vulnerable groups, find themselves at the mercy of those in positions of power and influence. (Griffiths and Hamilton, 1996:187–188)

The often dramatic and dysfunctional power differentials within communities may make true participatory justice difficult to achieve and, in some settings, may instead produce harmful side effects (Griffiths and Corrado, 1998). Ironically, those communities most in need of holistic restorative justice programs that encourage residents to become involved in the disposition process are often precisely those communities that are the most dysfunctional. Also, residents of such communities may have only limited interest in and/or capacity for involvement, in part because they have never had the opportunity to develop meaningful partnerships with the juvenile justice system. If these communities are ever to benefit from a restorative approach to the problem of youth crime, proponents of restorative justice must direct specific attention to developing strategies for building a sense of community among residents and for recruiting and retaining resident volunteers.

A critical issue surrounding the development and implementation of restorative justice models is: "Who controls the agenda?" Traditionally, the formal justice system has maintained a tight rein on initiatives designed as alternatives to criminal and juvenile justice processes. This is evident in the origins and evolution of diversion programs, which in many jurisdictions appear to have become appendages to the formal justice process. In this context, the inability or unwillingness of decisionmakers in the formal juvenile justice system to share discretion and power with communities is likely to result in "net-widening" (expanding the number and types of youth brought under the supervision of the juvenile justice system) rather than the development of more effective alternative decisionmaking processes (Blomberg, 1983; Polk, 1994).

If the new restorative justice models follow the pattern of development of earlier neighborhood dispute resolution models (and to a lesser extent of victim-offender mediation, as the oldest of the new models), one would anticipate significant additions to the richness and diversity possible in alternative sanctioning but little

impact on the formal system. Both victim-offender mediation and family group conferencing (except as practiced in New Zealand) ultimately depend on system decisionmakers for referrals; the potential for true sharing of power is minimal. If new models are to avoid net-widening, marginalization, and irrelevance, community advocates should begin to work with sympathetic justice professionals who are also committed to community-driven systemic reform.

Although a primary objective of proponents of restorative justice is to have new concepts institutionalized as part of the justice process, the danger is that system control will lead to top-down development of generic models. Hence, both promise and risk are implied in the degree of institutionalization that some new approaches have achieved in a relatively short time and in the rather dramatic system-community collaboration that appears to be possible with these approaches.

Clearly, the high profile given to restorative justice initiatives may result in grant funding for research and new programs. Yet, such support is no guarantee of long-term impact of the type envisioned in the restorative justice literature. Moreover, in the absence of substantive community input (including input from crime victims) at the design and implementation phases of specific initiatives, an administrative focus (i.e., one concerned primarily with grant-funding processes) may even result in cooptation or watering down of new approaches in ways that ultimately function to undermine the philosophy and objectives of restorative justice (Van Ness, 1993).

For example, from a restorative justice perspective, perhaps the biggest challenge to Vermont's reparative boards is the fact that they have been implemented within the State's formal justice system itself. On one hand, the boards may have the greatest potential for significant impact on the response of the formal system to nonviolent crimes. Moreover, the commitment of administrators to local control may also result in communities assuming and demanding a broader mandate. On the other hand, as a creation of the State corrections bureaucracy, the reparative boards may find themselves at the center of an ongoing struggle between efforts to give greater power and autonomy to citizens and needs of administrators to maintain control and ensure system accountability. Indeed, citizen board members may ultimately be challenged to decide the extent to which their primary client is the community or the probation and court system.

Of the four models considered in this Bulletin, circle sentencing appears to be the most advanced in terms of primacy of the community's decisionmaking role. In its placement of neighborhood residents in the gatekeeper role (see table 2), this model provides the most complete example of power sharing. Acting through the community justice committees, communities are clearly the "drivers" in determining which offenders will be admitted to the circle and what should be done in the collective effort to heal the community. Eligibility for circles is limited only by the ability of offenders to demonstrate to community justice committees their sincerity and willingness to change. Surprisingly, the most promising lesson of circle sentencing has been that, when given decisionmaking power, neighborhood residents often choose to include the most, rather than the least, serious offenders in restorative justice processes (Griffiths and Corrado, 1998; Stuart, 1996). As a result, however, certain tensions have developed within courts and other agencies in Canadian communities that are experimenting with circle sentencing. The tensions concern the extent to which power sharing with the community should be limited and the issue of whether statutes are being violated.

Implications and Conclusions

The perpetual absence of the "community" in "community corrections," either as a target of intervention or as a participant in the justice process (Byrne, 1989; Clear, 1996), may be due in part to an inability to identify meaningful roles for citizens. This Bulletin has described four nonadversarial decisionmaking models and compared and contrasted the ways in which they define and make operational the role of citizens in responding to youth crime. As illustrated by a growing number of restorative justice initiatives (Pranis, 1995), such citizen involvement may have important implications for juvenile justice. The models discussed here offer significant potential for changing the current dynamic in which the community is largely a passive observer of juvenile justice processes. When juvenile justice professionals identify citizens willing to participate in a community sanctioning process, they may also have identified a small support group willing to assist with offender reintegration and victim support.

This Bulletin has also attempted to provide a general framework for describing the dimensions of restorative conferencing processes. One purpose has been to avoid indiscriminate, arbitrary, and all-inclusive groupings of programs and practices under ill-defined terms such as community justice or restorative justice. As noted at the beginning of this Bulletin, comparative discussions of new approaches at this relatively early stage of development are important because they serve to highlight similarities and differences across emerging models. Such discussions may prevent, or at least minimize, what some have referred to as the "community-policing syndrome": the widespread application (and misapplication) of a generic term to a broad range of initiatives without a clear understanding of the differences between interventions or benchmark criteria that can be used to assess consistency with fundamental principles and objectives (Mastrofsky and Ritti, 1995). Unless proponents of restorative justice distinguish what should and should not be included under that umbrella and unless they refine definitions of success for interventions, they will miss a unique and valuable opportunity to develop more effective methods for enhancing citizen involvement in the response to youth crime and misconduct. A useful context for refining definitions is to view restorative justice as a way of thinking about and responding to crime that emphasizes one basic fact: crime damages people, communities, and relationships. If crime is about harm, a justice process should therefore emphasize repairing the harm.

Systemic reform toward restorative justice must not begin and end with new programs and staff positions. It must encompass new values that articulate new roles for victims, offenders, and communities as key stakeholders in the justice process. Accordingly, such reform should create and perpetuate new decisionmaking models that meet stakeholder needs for meaningful involvement. The capacity of these models to influence, and even transform, juvenile justice decisionmaking and intervention seems to lie in the potential power of these new stakeholders. If victims, offenders, and other citizens are to be fully engaged in meaningful decisionmaking processes, however, a dramatic change must also occur in the role of juvenile justice professionals. That role must shift from sole decisionmaker to

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facilitator of community involvement and resource to the community (Bazemore and Schiff, 1996).

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